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C03-2962 THE (JL)**

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**STIPULATION**

IT IS HEREBY STIPULATED by and between the parties, Plaintiff ARTHUR MARTINEZ, and the Defendants CITY OF OAKLAND, RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C. DELROSARIO, through their designated counsel that the above-captioned action entitled Local 10, International Longshore and Warehouse Union, et al., vs. City of Oakland, et al, and numbered C 03-2962 TEH (JL), be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(1), as to all of the claims of plaintiff ARTHUR MARTINEZ ONLY, against the individual officer defendants ONLY, whose names are listed as follows:

RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C. DELROSARIO.

It is acknowledged that ARTHUR MARTINEZ' claims against the CITY OF OAKLAND are to be resolved pursuant to his acceptance of the CITY OF OAKLAND's offer of judgment pursuant to FRCP Rule 68 and offer of compromise pursuant to California CCP § 998 dated June 21, 2005. This dismissal with prejudice of the individual officer defendants is a condition of that offer of judgment and offer to compromise.

1 Dated: July 10, 2005

2 /s/

3 JAMES B. CHANIN

4 Attorney for Plaintiffs in Local 10, et al.

5 Dated: July 13, 2005

6 /s/

7 GREGORY M. FOX

8 Attorney for Defendants City of Oakland et al.

9 **ORDER**

10 Having reviewed the stipulation of the parties, and good cause appearing therefore

11 THIS COURT ORDERS THAT, pursuant to the parties' stipulation and the CITY OF  
12 OAKLAND's offer of judgment pursuant to FRCP Rule 68 and offer of compromise pursuant to  
13 California CCP § 998 dated February 17, 2005, and plaintiff ARTHUR MARTINEZ' acceptance  
14 thereof, Plaintiff ARTHUR MARTINEZ' action No. C -03-2962 THE (JL) shall be and hereby is  
15 dismissed with prejudice as against the following defendants ONLY: RICHARD WORD, PATRICK  
16 HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER,  
17 E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M.  
18 RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M.  
19 MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM,  
20 SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F.  
21 UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E.  
22 ROMANS and OFF. C. DELROSARIO.  
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24 BY STIPULATION OF THE PARTIES, IT IS SO ORDERED.

25  
26  
27 DATE

28 THELTON E. HENDERSON

UNITED STATES DISTRICT JUDGE



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